

REMARKS

A. Background

Claims 1-19 were pending in the application at the time of the Office Action. Claims 1-19 were rejected as being obvious over cited art. By this response applicant has amended claims 1, 5, 12, 13, and 19. As such, claims 1-19 are presented for the Examiner's consideration in light of the following remarks.

B. Proposed Amendments

Applicant has herein amended claims 1, 5, 12, 13, and 19 to further clarify, more clearly define, and/or broaden the claimed inventions to expedite receiving a notice of allowance. Specifically, claims 1 and 12 have been amended to recite that the "transmission distance is fixed and the dispersion has a slope that changes with respect to temperature changes." Similarly, claims 5 and 13 have been amended to recite that the "transmission distance is fixed and the dispersion slope changes with respect to temperature changes." These amendments to claims 1, 5, 12, and 13 are supported throughout the specification and more specifically at least by page 8, lines 12-16, page 15, lines 4-6, and page 16, lines 8-10. Claim 19 has been amended to address a formal matter. In view of the foregoing discussion, applicant submits that the amendments to the claims do not introduce new matter and entry thereof is respectfully requested.

C. Rejections based on 35 USC § 103

1. Claims 1-7, 9-15, 17 and 19

Paragraph 2 of the Office Action rejects claims 1-7, 9-15, 17 and 19 under 35 USC § 103(a) as being unpatentable over U.S. Patent No. 6,925,262 to Ooi et al. ("*Ooi*") in view of U.S.

Patent No. 6,574,404 to Sasaoka et al. (“*Sasaoka*”). Applicant respectfully traverses this rejection and submits that the allegedly obvious combination would not include all of the limitations recited in the rejected claims.

Ooi is directed to a method and system for compensating chromatic dispersion. See Title. *Ooi* discloses that the system monitors and compensates for chromatic dispersion changes, and takes into account slope changes caused by transmission distance changes. See col. 5, lines 27-30. However, *Ooi* discloses in various locations therein that the slope changes being monitored are only due to changes in the transmission distance. See, e.g., col. 31, lines 31-44. In fact, *Ooi* recites that in its system, “the dispersion slope of a transmission line does not change with a temperature change.” Col. 6, lines 15-16; see also Figure 5 and col. 5, lines 40-41.

In light of the foregoing, Applicant submits that *Ooi* does not disclose or suggest a method of or apparatus for “monitoring a dispersion on a transmission optical fiber in a wavelength division multiplexing optical transmission system in which a transmission distance is fixed and the dispersion has a slope that changes with respect to temperature changes,” as recited in claims 1 and 12, or a method of or apparatus for “compensating a temperature dependency of a dispersion slope in a wavelength division multiplexing optical transmission system in which a transmission distance is fixed and the dispersion slope changes with respect to temperature changes,” as recited in claims 5 and 13.

Sasaoka was merely cited for allegedly disclosing a method of monitoring dispersion on a transmission optical fiber. Applicant submits that *Sasaoka* does not cure the deficiency of *Ooi* discussed above. That is, *Sasaoka* also does not disclose or suggest methods or apparatuses in which the transmission distance is fixed and the dispersion slope changes with respect to temperature changes. As such, even if, *arguendo*, *Ooi* and *Sasaoka* were combined in the

allegedly obvious manner set forth in the Office Action, the combination would not include the aforementioned limitations.

In view of the foregoing discussion, Applicant submits that a *prima facie* case of obviousness has not been established at least because the allegedly obvious combination of *Ooi* and *Sasaoka* would not include all of the limitations recited in the rejected claims. Accordingly, Applicant respectfully requests that the obviousness rejection with respect to claims 1, 5, 12, and 13 be withdrawn.

Claims 2-4, 6, 7, 9-11, 14, 15, 17 and 19 depend from claims 1, 5, and 12 and thus incorporate the limitations thereof. As such, applicant submits that claims 2-4, 6, 7, 9-11, 14, 15, 17 and 19 are distinguished over the cited art for at least the same reasons as discussed above with regard to claims 1, 5, and 12. Accordingly, Applicant respectfully requests that the obviousness rejection with respect to claims 2-4, 6, 7, 9-11, 14, 15, 17 and 19 also be withdrawn.

2. Claims 8, 10, 16 and 18

Paragraph 3 of the Office Action rejects claims 8, 10, 16 and 18 under 35 USC § 103(a) as being unpatentable over the allegedly obvious combination of *Ooi* and *Sasaoka* and further in view of U.S. Patent No. 6,396,982 to Lin ("*Lin*"). *Lin* was merely cited for "using one or more tunable dispersion equalizers with a fiber Bragg grating." Applicant respectfully traverses this rejection.

Claims 8, 10, 16 and 18 depend from claims 5 and 13 and thus incorporate the limitations thereof. As such, even if, *arguendo*, it would have been obvious to combine the allegedly obvious combination of *Ooi* and *Sasaoka* with *Lin* in the allegedly obvious manner set forth in the Office Action, the resulting combination would still not cure the deficiencies of *Ooi* and

Sasaoka with regard to claims 5 and 13. As such, Applicant submits that claims 8, 10, 16 and 18 are distinguished over the cited art for at least the same reasons as discussed above with regard to claims 5 and 13. Accordingly, Applicant respectfully requests that the obviousness rejection with regard to claims 8, 10, 16 and 18 be withdrawn.

No other objections or rejections are set forth in the Office Action.

D. Conclusion

Applicant notes that this response does not discuss every reason why the claims of the present application are distinguished over the cited art. Most notably, applicant submits that many if not all of the dependent claims are independently distinguishable over the cited art. Applicant has merely submitted those arguments which it considers sufficient to clearly distinguish the claims over the cited art.

In view of the foregoing, applicant respectfully requests the Examiner's reconsideration and allowance of claims 1-19 as amended and presented herein.

In the event there remains any impediment to allowance of the claims which could be clarified in a telephonic interview, the Examiner is respectfully requested to initiate such an interview with the undersigned.

Dated this 28th day of May 2008.

Respectfully submitted,

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